

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: The Professional Staff of the Health and Human Services Appropriations Committee

BILL: CS/SB 962

INTRODUCER: Transportation Committee and Senator Storms

SUBJECT: Drivers' Licenses/Release of Copies to DCFS

DATE: April 2, 2010 **REVISED:** _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Davis	Meyer	TR	Fav/CS
2.	Hansson	Walsh	CF	Favorable
3.	Hardy	Hansen	HA	Favorable
4.				
5.				
6.				

Please see Section VIII. for Additional Information:

A. COMMITTEE SUBSTITUTE..... Statement of Substantial Changes

B. AMENDMENTS..... Technical amendments were recommended

Amendments were recommended

Significant amendments were recommended

I. Summary:

CS/SB 962 amends s. 322.142, F.S., to allow the Department of Children and Family Services (DCF) to access image and signature data maintained by the Department of Highway Safety and Motor Vehicles (DHSMV) for use in expediting the determination of eligibility for public assistance and for use in public assistance fraud investigations.

There is no fiscal impact associated with this bill because it provides sufficient access control over digital images to allow for implementation without additional costs.

This bill substantially amends s. 322.142, F.S.

II. Present Situation:

Public Assistance

Public assistance includes benefits paid to individuals on the basis of the temporary cash assistance, food stamps, Medicaid or optional state supplementation programs.¹

Temporary Cash Assistance

Under state law, temporary cash assistance applicants must be United States citizens, qualified noncitizens, legal residents of the state, and be able to provide a social security number for each member of the family or show proof of application for one.² The DCF conducts eligibility determination for, and administers the temporary cash assistance program under, Title IV-A of the Social Security Act.^{3,4}

Medicaid

Both federal and state law require applicants for Medicaid services to show proof of identity and be United States citizens, or qualified non-citizens and legal residents of Florida.^{5,6} Additionally, federal law classifies a valid state-issued driver's license as satisfactory documentary evidence of both identity and citizenship, as long as the state issuing the license requires proof of United States citizenship or obtains a social security number from the applicant.⁷ Since the applications require proof of a social security card, a valid Florida driver's license or state-issued identification card is permitted to receive Medicaid benefits in Florida. Once Medicaid eligibility has been determined by DCF, then the Agency for Health Care Administration will administer and supervise the Medicaid benefits for the qualified applicant.⁸

Supplemental Nutrition Assistance Program (SNAP)

Under state law, food stamps, or SNAP applicants must be United States citizens, qualified noncitizens, legal residents of the state, and be able to provide a social security number for each member of the family or show proof of application for one.⁹ Federal law permits both United States citizens and lawful aliens to receive benefits of SNAP.¹⁰ Specifically, the Code of Federal Regulations requires verification of an applicant's identity by any document which reasonably establishes identity. Driver's licenses or state issued identification cards are reasonable

¹ s. 414.0252(10), F.S.

² s. 414.095(2)(a), F.S.

³ s. 414.0252(12), F.S.

⁴ s. 414.045, F.S.

⁵ s. 414.095(2), F.S.

⁶ 42 U.S.C. § 1396b(i)(22); 42 C.F.R. § 435.406

⁷ 42 U.S.C. § 1396b(x)(3)(b); 42 C.F.R. § 435.407(4)

⁸ s. 409.901, F.S.

⁹ s. 414.095, F.S.

¹⁰ 7 U.S.C. §2015(f); 7 C.F.R. § 273.2(f)

documents under the Code.¹¹ DCF is the designated department responsible for administering and operating the federally authorized SNAP program in Florida.¹²

Fraud

Section 414.39(10), F.S., requires DCF to screen applicants for public assistance, including Medicaid, food stamps, and temporary cash assistance, against a fraud-prone case profile to identify cases for fraud. Additionally the Attorney General conducts a statewide program of Medicaid fraud control that investigates both Medicaid provider and user fraud.¹³

Driver's Licenses and Identification Cards

Applicants for driver's licenses are required by DHSMV to provide proof of a social security card and proof of identity by showing documents including proof of citizenship and lawful non-citizenship status.¹⁴ Identical requirements exist in law for state issued identification cards.¹⁵ Upon receipt of the required fee, DHSMV issues to driver's license and identification card applicants, a color photographic or digital imaged driver's license bearing a full-face photograph or digital image of the licensee.¹⁶

DHSMV Database

The DHSMV is permitted, pursuant to interagency agreements, to share information from its database, including digital images and signatures, in the following circumstances:¹⁷

- In response to law enforcement agency requests;
- With the Department of State to determine voter registration eligibility;
- With the Department of Revenue for use in establishing paternity and establishing, modifying, or enforcing child support obligations;
- With the Department of Children and Families to conduct protective investigations, and
- With the Department of Financial Services relating to unclaimed property.

Driver and vehicle record database access is achieved through the use of the DAVID System, a system of databases consisting of: the Driver and Vehicle Information Database (DAVID), Driver and Vehicle Express (DAVE), Internet Records Information System (IRIS) and the Judicial Information System (JIS). User assistance is also provided through the DAVID support unit. There has been a significant increase in system usage with 8,125 users from approximately 485 agencies accessing the system approximately 800,000 times per month in 2003 to current activity of 48,841 users from 1,000 agencies, accessing the system approximately 6,150,000 times per month.

¹¹ 7 C.F.R. § 273.2(f)(vii)

¹² s. 414.31, F.S.

¹³ s. 409.920 and s. 409.9201, F.S.

¹⁴ s. 322.08, F.S.

¹⁵ s. 322.051, F.S.

¹⁶ s. 322.142(1) and s. 322.051(8), F.S.

¹⁷ s. 322.142(4), F.S.

The DCF currently has over 2,300 child and adult protective services investigators using the DAVE system to access driver and vehicle records, including photographs.¹⁸ However, under current law, DCF is not permitted to access the DHSMV database to verify identification and citizenship of Medicaid and SNAP applicants, resulting in service delays.¹⁹

III. Effect of Proposed Changes:

CS/SB 962 will permit, pursuant to an interagency agreement, a specified number of DCF employees to access the DHSMV database for use as verification of identity to expedite the determination of eligibility for public assistance and for use in public assistance fraud investigations. The effect of the proposed changes will reduce the time it takes to determine eligibility and the benefit errors that result from incorrect or fraudulent applicant identification.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

The provisions of this bill have no impact on municipalities and the counties under the requirements of Article VII, Section 18 of the Florida Constitution.

B. Public Records/Open Meetings Issues:

The provisions of the bill have no impact on public records or open meetings issues under the requirements of Article I, Section 24(a) and (b) of the Florida Constitution.

C. Trust Funds Restrictions:

The provisions of this bill have no impact on the trust fund restrictions under the requirements of Article III, Subsection 19(f) of the Florida Constitution.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

¹⁸ Department of Highway Safety and Motor Vehicles, *Agency Bill Analysis SB 962* (Jan. 26, 2010) (on file with the Senate Committee on Transportation).

¹⁹ Department of Children and Families, *Staff Analysis and Economic Impact SB 962* (Jan. 4, 2010) (on file with the Senate Committee on Transportation).

C. **Government Sector Impact:**

According to DHSMV, the David System, along with the support unit, is currently operating near capacity experiencing service delays of up to eight weeks in providing some requested audit information. If this bill passes, the growth in the population of users has the potential for creating a slowdown in processing requests.²⁰ However, the bill provides sufficient access control over the number of digital image users to allow for implementation of the new bill provisions without additional costs.

VI. **Technical Deficiencies:**

None.

VII. **Related Issues:**

None.

VIII. **Additional Information:**

A. **Committee Substitute – Statement of Substantial Changes:**
(Summarizing differences between the Committee Substitute and the prior version of the bill.)

CS by Transportation on February 2, 2010:

The bill permits a specified number of DCF employees to access the DHSMV database for use as verification of identity to expedite the determination of eligibility for public assistance and for use in public assistance fraud investigations. In addition, the bill provides sufficient access control over digital images and allows implementation without a fiscal impact.

B. **Amendments:**

None.

This Senate Bill Analysis does not reflect the intent or official position of the bill's introducer or the Florida Senate.

²⁰ DHSMV email correspondence (Feb. 3, 2010) (on file with the Senate Committee on Transportation).